



PATENT
Attorney Docket No. 05552.1470-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Frank VITZTHUM)	Group Art Unit: 1634
)	
Application No.: 10/587,831)	Examiner: Robert Thomas Crow
)	
Filed: July 28, 2006)	
)	
For: TEST SYSTEM AND METHOD)	Confirmation No.: 6928
FOR THE DETECTION OF)	
ANALYTES)	

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are enclosed.

Copies of the U.S. patent publications are not enclosed.

The following is a concise statement of relevance of the non-English language documents.

1. Hintsche, R. (1999) Elektrische DNA-Chiptechnologie; Medizineschegenetik, Ausgabe 11 describes DNA-Chip technologies. More specifically, it refers to a DNA-Chip technology that is based on the electric manipulation and detection of DNA. It is

described that using a chip with a respective electrode structure allowed for electric detection of DNA by impedance measurements. The system described is based on redox-recycling supported by enzymes.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited document(s) do not constitute "prior art" under United States law, Applicant reserves the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

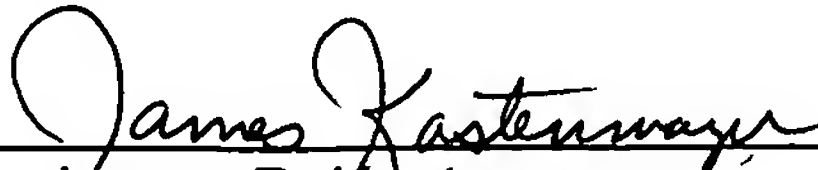
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 24, 2009

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